HIGH C.OURT OF CHHATTISGARH AT BILASPUR

Writ Petition No.2816/2002

CORAM: Hon'ble Shri **S.R.Nayak,** Chief Justice &
Hon'ble Shri **D.R.Deshmukh,** J.

PETITIONER : Awadesh Kumar Rathore S/o Shri Ram Gopal Rathore, aged about 32 years R/o Awadesh Kumar Rathore Post: Khokra Tehsil Janjgir District Bilaspur (M.P.).
V/s

RESPONDENTS :
1. State Of Madhya Pradesh Thorough Secretary, School Education, Vallabh Bhawan, Bhopal (M.P.).
2. M.P. Junior Service Selection Board, through Secretary, E-Block, Old Secretariate, Bhopal.
3. Deputy Director Education Composite Building Bilaspur (M.P.).

Shri .V.R. Tiwari, learned counsel for the petitioner.
Shri Vinay Harit, learned Dy. Advocate General for the State.

ORAL ORDER
(Passed on 27.07.2006)

The following oral order of the Court was passed by **S.R.NAYAK, C.J.**

Although it was contended by the learned counsel for the petitioner that this writ petition is not covered by the judgment of the Full Bench of the Tribunal dated 17/5/2002 made in O.A. No. 118/19.88, having perused the said judgment of the Full Bench which is produced as Annexure P/2 at page 10 the material papers, we are of the considered opinion that that judgment squarely applies to the present writ petition also. In the judgment Annexure P/2, it is pointed out that Division Bench of the Tribunal, in its order dated 16/8/99 passed in T.A. No. 106/1988 which is reported in 1989 M.P.S.L.R. 357, had held that the select-list submitted by the Board stood exhausted after lapse of one year, and therefore, could not be acted upon after one year of its receipt in the office of Education Department,

that is to say, after 1987. Under the Service Regulation, a select-list could be operated only for a period of one year is not disputed before the Court. The dispute relates to selection made by the Board in the year 1985-86. The similar contention urged by similarly circumstanced applicants for the post was turned down by the Tribunal on an early occasion and that opinion has been upheld by the Apex Court, as pointed out by the Tribunal in its order dated 17/5/2002 (Annexure P/2). Moreover, we are not inclined to entertain this writ application, if not for any other reason but for the reason that the petitioner is guilty of delay and laches. Though the select-list was prepared during the year 1985-86 and the term of the select-list came to an end in the month of February 1987, the petitioner took nearly 6 years to challenge his non-selection for the post of Asstt. Teacher. The fact that he was making correspondence with the department, even if it is true, would not come to his aid to ignore the enormous delay and laches on the part of the petitioner.

2. Writ petition is devoid of merit and it is accordingly dismissed. No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Angadi